STACEY E. JAMES, Bar No. 185651
JUSTIN A. MORELLO, Bar No. 239250
LITTLER MENDELSON
A Professional Corporation
501 W. Broadway, Suite 900
San Diego, CA 92101.3577
Telephone: 619.232.0441

Attorneys for Defendant
SERVICE SOLUTIONS GROUP LLC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CINDY KING FEINSTEIN, Plaintiff, v. SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25, Defendants.	Case No. 08CV1174 W (WMc) **DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]** Hearing Date: August 11, 2008 Time: (No Oral Argument Required under Local Rule 7.1(d)(1)) Judge: Hon. Thomas J. Whelan Complaint Filed: November 20, 2007

TO PLAINTIFF AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 11, 2008, or as soon thereafter as this matter may be heard in the courtroom of the Honorable Judge Thomas J. Whelan, United States District Court for the Southern District of California, located at 880 Front Street, San Diego, CA, 92101, Defendant will, and hereby respectfully moves the Court for an order dismissing this case under Federal Rule of Civil Procedure 8(a), 12(b)(6), and 12(e).

This Motion is based upon this Notice and Motion, the accompanying Memorandum of Points and Authorities, the attached copy of Plaintiff's Complaint (marked as Exhibit 1), and the declaration of Justin A. Morello.

WHEREFORE, it is respectfully requested that the Court grant Defendant's Motion to Dismiss Plaintiff's Complaint, and any other relief the Court should deem appropriate.

Dated: July 10, 2008

Respectfully submitted,

s/Justin A. Morello
STACEY E. JAMES
JUSTIN A. MORELLO
Attorneys for Defendant
Email: sjames@littler.com;
jmorello@littler.com

Firmwide:85768347.1 046687.1149

PROOF OF SERVICE BY MAIL

I am employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 501 W. Broadway, Suite 900, San Diego, California 92101.3577. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On July 10, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]

DEFENDANT SERVICE SOLUTIONS GROUP LLC'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]

DECLARATION OF JUSTIN A. MORELLO IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]

in a sealed envelope, postage fully paid, addressed as follows:

Mary Elizabeth Bullock — Attorney for Plaintiff
3955 Faircross Place, #73
San Diego, CA 92115
619.677.4066 phone
619.727.4907 fax

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 10, 2008, at San Diego, California.

KILSHA A. CASTRO

STACEY E. JAMES, Bar No. 185651
JUSTIN A. MORELLO, Bar No. 239250
LITTLER MENDELSON
A Professional Corporation
501 W. Broadway, Suite 900
San Diego, CA 92101.3577
Telephone: 619.232.0441

Attorneys for Defendant
SERVICE SOLUTIONS GROUP LLC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CINDY KING FEINSTEIN, Plaintiff, v. SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25, Defendants.	Case No. 08CV1174 W (WMc) **DEFENDANT SERVICE SOLUTIONS GROUP LLC'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]** Hearing Date: August 11, 2008 Time: (No Oral Argument Required under Local Rule 7.1(d)(1)) Judge: Hon. Thomas J. Whelan Complaint Filed: November 20, 2007

I. INTRODUCTION

Plaintiff's complaint must contain a short and plain statement of her claim showing that she is entitled to relief. At the bare minimum, the complaint must contain some factual allegations that put a Defendant on notice as to what it is being accused of and why it is being accused. The Complaint must contain sufficient specificity so that Defendant can frame a responsive pleading.

Through a form complaint used to allege a claim for breach of contract, Plaintiff checked a box in the form titled "other," and listed the title to seven or eight possible claims. She did not attach a statement of facts to support these listed titles and does not make any factual allegations in her complaint. Because Plaintiff's complaint contains no factual allegations, Plaintiff has not alleged sufficient facts to state a cognizable legal theory and her complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(6). In the alternative, this Court should order Plaintiff to provide a more definite statement under Federal Rule of Civil Procedure 12(e).

II. FACTS

Through her complaint, Plaintiff has made no factual allegations. Declaration of Justin A. Morello ("Morello Decl."), ¶ 2, Exhibit 1. Because no facts are alleged, it is impossible to determine what acts are at issue, who the actors are, and when the alleged acts occurred.

On November 20, 2007 in the San Diego Superior Court, Plaintiff filed her form complaint. Morello Decl. ¶ 3. The form complaint she filed is used in state court to allege a breach of contract. Morello Decl. ¶ 4. Plaintiff does not allege a breach of contract. Morello Decl. ¶ 5, Exh. 1. In the section of the form complaint that should be used to state causes of action, Plaintiff checked the box labeled "Other" and listed the following cause of action titles: "employment law, discrimination based on gender, wrongful termination, discriminatory discipline, sexual harassment hostile work environment violation of public policy." Morello Decl. ¶ 6, Exh. 1. Through her complaint, Plaintiff does not allege any dates, times, people, places, or actions. Morello Decl. ¶ 7, Exh. 1. She only lists cause of action titles. Under the section requesting a prayer for judgment, Plaintiff also checked boxes for undisclosed damages, interest on those damages at a rate of 10%

///

(but she did not state what period of time that interest should be applied), and attorneys fees at $630 per hour according to proof. Morello Decl. ¶ 8, Exh. 1.

On June 2, 2008, over six months after she filed her complaint, Defendant's counsel, Littler Mendelson, received Plaintiff's Summons and Complaint. Morello Decl. ¶ 9, Exh. 1.

III. ARGUMENT

A. The Complaint Should Be Dismissed for Failure to Comply with Rules 8(a) and 12(b)(6) of the Federal Rules of Civil Procedure

Rule 8(a), FRCP, requires pleadings to

> contain (1) a short and plain statement of the grounds upon which the court's jurisdiction demands… (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks.

A motion to dismiss is proper where there is either a "lack of a cognizable legal theory" or "the absence of sufficient facts alleged under a cognizable legal theory." Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir. 1988). Plaintiff's complaint contains no factual allegations. She does not allege what happened, when anything happened, who was involved, or where anything happened. Without these minimal allegations, Plaintiff's complaint does not meet the requirement of Rule 8(a) and does not state sufficient facts to allege a cognizable legal theory.

B. Alternatively, Plaintiff Should Be Ordered to Make a More Definite Statement Under Federal Rule of Civil Procedure 12(e)

A motion for a more definite statement should be granted where a complaint is so vague or ambiguous that a party cannot reasonable be required to frame a responsive pleading. F.R.C.P. 12(e); McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996). As noted, Plaintiff's complaint does not contain any factual allegations. Thus, there are no factual allegations for Defendant to admit or deny. Without such allegations, Defendant cannot frame its responsive pleading.

Further, comparing Plaintiff's complaint to the example complaints contained in the official Appendix of Forms shows that Plaintiff's complaint lacks necessary factual allegations. The examples in the official Appendix of Forms, while short and concise, state dates, locations, actions,

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actors, and a theory of liability. Plaintiff's complaint contains none of these elements. Therefore, if the complaint is not dismissed, Plaintiff should be ordered to provide a more definite statement.

IV. CONCLUSION

For the foregoing reasons, Defendant Service Solutions Group, LLC, respectfully requests that the Court dismiss Plaintiff's action under Federal Rules of Civil Procedure 8(a), and 12(b)(6), or, in the alternative, order Plaintiff to make a more definite statement under Federal Rule of Civil Procedure 12(e).

Dated: July 10, 2008

Respectfully submitted,

s/Justin A. Morello
STACEY E. JAMES
JUSTIN A. MORELLO
Attorneys for Defendant
E-mail: sjames@littler.com;
jmorello@littler.com

Firmwide:85826660.1 046687.1149

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Attorneys for Defendant
SERVICE SOLUTIONS GROUP LLC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CINDY KING FEINSTEIN, Plaintiff, v. SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25, Defendants.	Case No. 08CV1174 W (WMc) **DECLARATION OF JUSTIN A. MORELLO IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]** Hearing Date: August 11, 2008 (No Oral Argument Required pursuant to Local Rule 7.1(d)(1)) Judge: Hon. Thomas J. Whelan Complaint Filed: November 20, 2007

I, Justin A. Morello, hereby declare and state as follows:

1. I am an attorney at law licensed to practice before all courts of the State of California and this Court. I am an associate in the law firm of Littler Mendelson, P.C. and have been one of the attorneys representing Defendant Service Solutions Group LLC ("Defendant") in the above-captioned matter. As such, I have personal knowledge of the facts set forth in this declaration and, if called upon to do so, I could and would testify competently thereto.

2. Through her complaint, Plaintiff has made no factual allegations. Attached as Exhibit "1" is a true and correct copy of Plaintiff's complaint, summons and civil case cover sheet.

3. On November 20, 2007 in the San Diego Superior Court, Plaintiff filed her form complaint.

4. The form complaint she filed is used in state court to allege a breach of contract.

5. Plaintiff does not allege a breach of contract.

6. In the section of the form complaint that should be used to state causes of action, Plaintiff checked the box labeled "Other" and listed the following cause of action titles: "employment law, discrimination based on gender, wrongful termination, discriminatory discipline, sexual harassment hostile work environment violation of public policy.

7. Through her complaint, Plaintiff does not allege any dates, times, people, places, or actions.

8. Under the section requesting a prayer for judgment, Plaintiff also checked boxes for undisclosed damages, interest on those damages at a rate of 10% (but she did not state what period of time that interest should be applied), and attorneys fees at $630 per hour according to proof.

9. On June 2, 2008, over six months after she filed her complaint, Defendant's counsel, Littler Mendelson, received Plaintiff's Summons and Complaint.

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LITTLER MENDELSON
A PROFESSIONAL CORPORATION
501 W. Broadway
Suite 900
San Diego, CA 92101 3577
619 232 0441

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed within the United States on July 10, 2008 at San Diego, California.

s/Justin A. Morello
JUSTIN A. MORELLO
Attorney for Defendant
E-mail: jmorello@littler.com

Firmwide:85768723.1 046687.1149

EXHIBIT 1

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
CINDY KING FEINSTEIN

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
330 WEST BROADWAY
SAN DIEGO, CA 92101

CASE NUMBER: *(Número del Caso):* 37-2007-00082141-CU-OE-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
MARY ELIZABETH BULLOCK, SBN 153212
3955 FAIRCROSS PLACE, #73, SAN DIEGO, CA 92115 TEL:619-677-4066 FAX:619-727-4907

DATE: *(Fecha)* MAY 30 2008 Clerk, by *(Secretario)* C. BOYLE , Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☒ on behalf of *(specify):* Service Solutions Group LLC

under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify):*

4. ☒ by personal delivery on *(date):* 06-02-08

FILED CIVIL BUSINESS OFFICE 8

07 NOV 20 PM 3:35

CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Mary Elizabeth Bullock SBN 153212 3433 Fairgrove Place #73 San Diego, Calif 92115 TELEPHONE NO.: (619) 677-4066 FAX NO.: (619) 727-4907 ATTORNEY FOR (Name): Cindy King Fernandez	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego Calif 92101 BRANCH NAME: Superior Court	
CASE NAME: John Tractors Food Machinery Service, Frank Holdings Inc. Cindy King Fernandez v. Service Solutions Group LLC	
CIVIL CASE COVER SHEET Does 1-25 [x] Unlimited (Amount demanded exceeds $25,000) [ ] Limited (Amount demanded is $25,000 or less) **Complex Case Designation** [ ] Counter [ ] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 37-2007-00082141-CU-OE-CTL JUDGE: DEPT:

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [x] Wrongful termination (36)
- [x] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint (not specified above) (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition (not specified above) (43)

2. This case [ ] is [x] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   - a. [ ] Large number of separately represented parties
   - b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   - c. [ ] Substantial amount of documentary evidence
   - d. [ ] Large number of witnesses
   - e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   - f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. [x] monetary b. [x] nonmonetary; declaratory or injunctive relief c. [x] punitive
4. Number of causes of action (specify): 4
5. This case [ ] is [x] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date:

Mary Elizabeth Bullock (TYPE OR PRINT NAME) ▶ Mary E. Bullock (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

FILED
CIVIL BUSINESS OFFICE 8
07 NOV 20 PM 3:35
SAN DIEGO COUNTY, CA

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Mary Elizabeth Bullock SBN 153212
3955 Faircross Place, #73
San Diego, California
TELEPHONE NO: (619) 677-4064 FAX NO. (Optional): (619) 727-4907
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): Cindy King Feinstein

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego
STREET ADDRESS: 330 Broadway Street
MAILING ADDRESS: San Diego, Ca 92101
CITY AND ZIP CODE:
BRANCH NAME: Superior Court

PLAINTIFF: Cindy King Feinstein

DEFENDANT: Service Solutions Group, LLC, Baillers Food Machinery Services, Franke Holding AG

☐ DOES 1 TO 25

CONTRACT

☑ COMPLAINT ☐ AMENDED COMPLAINT (Number):

☐ CROSS-COMPLAINT ☐ AMENDED CROSS-COMPLAINT (Number):

Jurisdiction (check all that apply):
☐ ACTION IS A LIMITED CIVIL CASE
Amount demanded ☐ does not exceed $10,000
☐ exceeds $10,000 but does not exceed $25,000
☑ ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)
☐ ACTION IS RECLASSIFIED by this amended complaint or cross-complaint
☐ from limited to unlimited
☐ from unlimited to limited

CASE NUMBER: 37-2007-00082141-CU-OE-CTL

VIA FAX

1. Plaintiff* (name or names): Cindy King Feinstein 351 B Avenue, Coronado, California 92118
alleges causes of action against defendant* (name or names): Service Solutions Group, LLC. dba Baillers Food Machinery Service, Franke Holding AG
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. a. Each plaintiff named above is a competent adult
☐ except plaintiff (name):
(1) ☐ a corporation qualified to do business in California
(2) ☐ an unincorporated entity (describe):
(3) ☐ other (specify):

b. ☐ Plaintiff (name): Cindy King Feinstein, an individual
a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):

b. ☐ has complied with all licensing requirements as a licensed (specify):
c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.
4. a. Each defendant named above is a natural person
☑ except defendant (name): Baillers Food Machinery Service, Service Solutions Group
(1) ☑ a business organization, form unknown
(2) ☑ a corporation
(3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe):
(5) ☐ other (specify):

☒ except defendant (name): Franke Holding AG
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe):
(5) ☐ other (specify):

* If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

Form Approved for Optional Use
Judicial Council of California
PLD-C-001 [Rev. January 1, 2007]

COMPLAINT—Contract

Code of Civil Procedure, § 425.12

American LegalNet, Inc.
www.FormsWorkflow.com

PLD-C-001

SHORT TITLE:	CASE NUMBER:
Vaughan v Service Solutions Group LLC et al	

4. *(Continued)*
   b. The true names of defendants sued as Does are unknown to plaintiff.
      (1) [x] Doe defendants *(specify Doe numbers)*: 1-25 were the agents or employees of the named defendants and acted within the scope of that agency or employment.
      (2) [x] Doe defendants *(specify Doe numbers)*: 1-25 are persons whose capacities are unknown to plaintiff.
   c. [ ] Information about additional defendants who are not natural persons is contained in Attachment 4c.
   d. [ ] Defendants who are joined under Code of Civil Procedure section 382 are *(names)*:

5. [ ] Plaintiff is required to comply with a claims statute, and
   a. [x] has complied with applicable claims statutes, *or*
   b. [ ] is excused from complying because *(specify)*:

6. [ ] This action is subject to [ ] Civil Code section 1812.10 [ ] Civil Code section 2984.4.

7. This court is the proper court because
   a. [ ] a defendant entered into the contract here.
   b. [ ] a defendant lived here when the contract was entered into.
   c. [ ] a defendant lives here now.
   d. [ ] the contract was to be performed here.
   e. [ ] a defendant is a corporation or unincorporated association and its principal place of business is here.
   f. [ ] real property that is the subject of this action is located here.
   g. [x] other *(specify)*: Plaintiff and Defendant live here or have a Branch Office here in San Diego County

8. The following causes of action are attached and the statements above apply to each *(each complaint must have one or more causes of action attached)*:

   [ ] Breach of Contract
   [ ] Common Counts
   [x] Other *(specify)*: Employment law, discrimination based on Gender, Wrongful termination, discriminatory discipline, Sexual harassment

9. [ ] Other allegations: hostile work environment Violations of public policy

10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
    a. [x] damages of: $
    b. [x] interest on the damages
       (1) [x] according to proof
       (2) [x] at the rate of *(specify)*: percent per year from *(date)*:
    c. [ ] attorney's fees
       (1) [x] of: $650/hr
       (2) [x] according to proof.
    d. [ ] other *(specify)*:

11. [ ] The paragraphs of this pleading alleged on information and belief are as follows *(specify paragraph numbers)*:

Date: November 20, 2007

Mary Elizabeth Bullock
(TYPE OR PRINT NAME)

Mary E. Bullock
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)